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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT FREE GALVAN,

Plaintiff,

v.

FEDERAL SECRET SERVICE AND  
UNKNOWN FEDERAL AGENT ONE  
AND UNKNOWN FEDERAL AGENT  
2; CITY OF SEATTLE, a municipal  
corporation; CITY OF SEATTLE  
POLICE OFFICER NO. 1 AND CITY  
OF SEATTLE POLICE OFFICER NO.  
2; ROGER NYHUS; TELEDESIC  
CORPORATION, d/b/a/ TELEDESIC  
COMMUNICATIONS; BILL AND  
MELINDA GATES FOUNDATION,  
FORMERLY BILL H. GATES  
FOUNDATION; SEATTLE  
UNIVERSITY; and JOHN AND JANE  
DOES NOS. 1-10,

Defendants.

NO. **C02-2455C**

COMPLAINT



CV 02-2455 #1

Plaintiff Robert Free Galvan alleges as follows:

ORIGINAL

## I. NATURE OF THE CASE

1  
2 1. Robert Galvan, an individual and resident of the State of Washington, files  
3 this Complaint to challenge violations of his civil and constitutional rights pursuant to 42  
4 U.S.C. § 1983 and the First, Fourth, and Fourteenth Amendments to the United States  
5 Constitution.  
6

7 2. The City of Seattle Police Department, Police Officers Numbers 1 and 2, and  
8 Roger Nyhus acting on behalf of the Teledesic Corporation, event sponsor, wrongfully  
9 interfered with and denied plaintiff his constitutional right to free speech, and seized and  
10 detained him without probable or any other cause in violation of federal and state law.  
11

12 3. Pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of  
13 Narcotics, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971), two federal agents,  
14 Federal Agent 1 and Federal Agent 2, acting on federal authority violated plaintiff Galvan's  
15 civil and constitutional rights protected by the First and Fourth Amendments of the United  
16 States Constitution when they seized and detained Mr. Galvan without probable cause or any  
17 cause and prevented him from exercising his First Amendment right to free speech.  
18

## II. JURISDICTION

19  
20  
21 4. Plaintiff's claims arise under the laws of the Constitution of the United States,  
22 specifically the United States Constitution First, Fourth, and Fourteenth Amendments and  
23 42 U.S.C. § 1983, and federal common law under Bivens. The case therefore presents a  
24 federal question which is within this Court's jurisdiction pursuant to 28 U.S.C. §§ 1331  
25 (federal question) and 1343(a) (civil rights). In addition, this Court has pendent jurisdiction  
26 over all state claims raised herein.  
27  
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1           5.       Venue is proper in the Western District of Washington pursuant to 28 U.S.C.  
2       § 1391. The actions alleged in this Complaint occurred in King County, Washington.  
3       Defendants reside and/or conducted their activities in the Western District of Washington.  
4

### 5                               III. PARTIES

6           6.       Robert Free Galvan is a resident of the State of Washington. Mr. Galvan is  
7       a member of the San Jan Pueblo Tewa Peoples. Mr. Galvan was involved in the  
8       organization and planning of the 1999 visit of President Nelson Mandela and Graca Machel  
9       to Seattle. Specifically, Mr. Galvan was responsible for organization of a Northwest Native  
10      American greeting of Mr. Mandela and presentation of a northwest talking stick. Mr.  
11      Galvan worked with defendant Roger Nyhus and the Teledesic Corporation, the Gates  
12      Foundation, and others who helped bring Mr. Mandela and Ms. Machel to the United States.  
13

14           7.       Defendant City of Seattle is a municipal corporation organized and operating  
15      under Washington State law. City of Seattle Police Officer 1 and City of Seattle Police  
16      Officer 2, whose names are not yet known to plaintiff, acted in concert with other defendants  
17      to unlawfully seize plaintiff and detain him without probable cause in violation of the Fourth  
18      Amendment to the U.S. Constitution and Article I, Section 7 of the Washington State  
19      Constitution.  
20

21           8.       All claims against the City of Seattle Police Officers who were acting within  
22      the scope of their professional duties are claims against the City.  
23

24           9.       Defendant Federal Secret Service Agency is an agency of the U.S.  
25      Department of Treasury. The U.S. Secret Service administers a federal program for  
26      protection of visiting world leaders and providing security for national special security  
27      protection of visiting world leaders and providing security for national special security  
28

1 events. On information and belief, Unknown Federal Agent 1 and Unknown Federal Agent  
2 2, whose names are not yet known to plaintiff, acting in concert with other defendants,  
3 unlawfully seized and detained plaintiff Galvan in violation of the Fourth Amendment of the  
4 U.S. Constitution and denied plaintiff his right of free speech protected by the First  
5 Amendment.  
6

7 10. Defendant Roger Nyhus is the Director of corporate communications for the  
8 Teledesic Corporation. On information and belief, Mr. Nyhus, acting as agent for Teledesic  
9 Corporation and in concert with other defendants, was responsible for the organization of  
10 the December 10, 1999 breakfast featuring Nelson Mandela and responsible for security and  
11 policing at the breakfast. Mr. Nyhus, acting under the color of state law, chilled and  
12 enjoined plaintiff Galvan's free speech right by ordering seizure of his person and removal  
13 of Mr. Galvan from the event, and by purporting to condition plaintiff's return to the event  
14 on plaintiff's silence under threat of further seizure and arrest .  
15  
16

17 11. Defendant Bill and Melinda Gates Foundation is based in Seattle,  
18 Washington. On information and belief, the Gates Foundation was a sponsor of the  
19 December 10, 1999 breakfast featuring Mandela and was responsible for security and  
20 policing at the breakfast in concert with the other defendants.  
21

22 12. Defendant Seattle University is an undergraduate and graduate school located  
23 in Seattle, Washington. On information and belief, Seattle University hosted and provided  
24 the venue for the December 10, 1999 breakfast featuring President Mandela and, acting in  
25 concert with other defendants, was responsible for security and policing at the event.  
26  
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1           13. All of the actions of Mr. Nyhus are alleged on behalf and in concert with the  
2           Teledesic Corporation, Gates Foundation, and Seattle University and all claims against Mr.  
3           Nyhus are alleged against defendants Teledesic Corporation, Gates Foundation, and Seattle  
4           University.  
5

6                           IV. FACTS RELEVANT TO THE CAUSE OF ACTION

7           14. Plaintiff Galvan was involved in organizing components to enable the Native  
8           American Community of the Northwest to properly greet and host Mr. Mandela, a "tribal  
9           dignitary," here in Seattle. Plaintiff Galvan contacted the organizations and foundations  
10          involved in hosting Mr. Mandela and asked if they would be interested in having the  
11          indigenous people whose territory Mr. Mandela was entering welcome him, as is the custom  
12          under tribal protocol. The organizing committee, including representatives of the Teledesic  
13          Corporation and the Bill Gates Foundation, agreed to have Mr. Galvan to arrange a  
14          welcoming ceremony for Nelson Mandela and Graca Machel in accordance with tribal  
15          customs.  
16  
17

18          15. Mr. Galvan contacted the Duwamish Tribe on whose land the City of Seattle  
19          rests and the area to which Mr. Nelson would be entering, and asked them to greet Mr.  
20          Mandela in the traditional way by offering him a gift of a talking stick. The talking stick  
21          allows the holder of the stick to speak in that territory. In addition, Mr. Galvan organized  
22          a welcoming dance for Mr. Mandela. Mr. Galvan discussed his vision for the arrival  
23          ceremony for Mr. Mandela and negotiated with the foundations and hosts of the event for  
24          several weeks to implement it. The defendants that were involved with the organizations  
25          of the arrival of Nelson Mandela provided Mr. Galvan with financing to pay for the dancers  
26  
27  
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1 and to purchase the talking stick that would be delivered to Mr. Mandela upon his arrival.  
2 Mr. Galvan had been actively involved in this planning process prior to the December 10<sup>th</sup>  
3 breakfast.  
4

5 16. Plaintiff did thereafter obtain a talking stick created by a British Columbian  
6 Native American. This talking stick was presented to President Mandela on his arrival at  
7 Boeing Field on December 8, 1999 by a member of the host nation, the Duwamish Tribe.  
8 The Duwamish Tribe performed a dance ceremony at a hall at Boeing Field to greet  
9 President Mandela and his wife Graca Machel.  
10

11 17. Plaintiff Galvan was an invited guest to the breakfast featuring Nelson  
12 Mandela at Seattle University on December 10, 1999.

13 18. Upon arrival at Seattle University where the breakfast was to be held, plaintiff  
14 Galvan along with other guests went through a routine security inspection. During that  
15 inspection, plaintiff Galvan was carrying a banner. When he was asked what it was, he  
16 disclosed it was a banner urging freedom for Leonard Peltier and showed the banner to the  
17 security person. No statement was made to him at that time or any time prior to the security  
18 inspection that plaintiff Galvan could not display his banner.  
19  
20

21 19. During Mr. Mandela's address at the breakfast, plaintiff Galvan held up the  
22 banner, which read "Free Leonard Peltier." People seated behind plaintiff Galvan said that  
23 he was in the way. He stated it would only take a second and moved to the side and showed  
24 the banner first toward Mr. Mandela so he could read it and then he turned it so other people  
25 were able to see it. At that point, plaintiff Galvan saw defendants Federal Agents 1 and 2  
26 running toward him. Defendants yelled that he could not hold anything up in front of Mr.  
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1 Mandela. Plaintiff Galvan responded that he would move to the back of the room so as not  
2 to disturb the guests. Defendants said, "No you won't," and they removed the sign and  
3 picked plaintiff Galvan entirely off the ground and carried him out of the room in a  
4 horizontal position.  
5

6 20. Plaintiff Galvan looked to Mr. Mandela and yelled, "Madiba, Madiba, help  
7 me," calling out to Nelson Mandela by his tribal name which he had learned while doing  
8 research for the commissioning of the talking stick. After exiting the room, defendant  
9 Federal Agents 1 and 2 threw Galvan up against the wall, handcuffed him, and removed his  
10 personal belongings. Galvan asked, "What did I do? Am I under arrest?" One of  
11 defendant Federal Agents responded that this was a private function. Mr. Galvan stated, "I  
12 am an honored guest here. I'm on the list. What have I done? Am I under arrest?" None  
13 of defendant Federal Agents responded to Mr. Galvan's questions. Plaintiff Galvan  
14 continued to ask, "Am I under arrest?" but there was no response. Defendant Federal  
15 Agents began to drag Mr. Galvan handcuffed down the hallway.  
16  
17

18 21. At some point defendant Federal Agents 1 and 2 handed plaintiff over to  
19 defendant City Police Officers 1 and 2, who continued to restrain and seize plaintiff.  
20

21 22. In the event room, Mr. Mandela saw plaintiff Galvan being removed. Mr.  
22 Mandela stopped his remarks and stated, "Without interfering in your domestic affairs, I  
23 would prefer him to be allowed to display his placard."  
24

25 23. In response to Mr. Mandela's statement, defendant Roger Nyhus of Teledesic  
26 came quickly into the hall where defendant Federal Agents 1 and 2 and City Police Officers  
27 1 and 2 were detaining plaintiff Galvan. Defendant Nyhus explained that if Mr. Galvan was  
28

1 not allowed to return to the event, Mr. Mandela would not continue to speak. At that point,  
2 Mr. Nyhus turned to plaintiff Galvan and asked if he was going to shut up. Plaintiff Galvan  
3 responded, "I cannot guarantee that." Mr. Nyhus turned to defendant officers and said, "If  
4 he says anything, cuff him and take him to jail." Defendant Nyhus directed the officers to  
5 hold Mr. Galvan in the back of the room where he was allowed to hold up his "Free  
6 Leonard Peltier" sign.  
7

8         24. Upon plaintiff Galvan's return to the banquet room he was seated in the back  
9 of the room with defendant City of Seattle Police Officers 1 and 2 on either side. Mr.  
10 Mandela was notified that plaintiff had been allowed to re-enter the event.  
11

12         25. Plaintiff violated no law or rule. No defendant had probable cause or any  
13 other cause to seize plaintiff, or to arrest plaintiff, or to believe plaintiff presented a security  
14 threat, or to prevent plaintiff from exercising his constitutionally protected right of free  
15 speech. Defendants' seizure and search of plaintiff was unreasonable.  
16

17         26. As a result of defendants' actions as alleged herein, plaintiff suffered  
18 humiliation, embarrassment, mental pain and suffering, moderate but objectively observable  
19 physical injury, and deprivation of his civil and constitutional rights to freedom of speech  
20 and be free from unreasonable search and seizure.  
21

## 22 V. FIRST CAUSE OF ACTION

23         27. The allegations set forth in the preceding paragraphs 1-24 are alleged and  
24 incorporated herein by reference.  
25  
26  
27  
28



1           28. Defendants interfered with and denied plaintiff Galvan's right of free speech  
2 protected by the First Amendment and applied to the states by the Fourteenth Amendment,  
3 and by Washington Constitution, Article 1, Section 5.  
4

5                                   VI. SECOND CAUSE OF ACTION

6           29. The allegations set forth in the preceding paragraphs 1-26 are alleged and  
7 incorporated herein by reference.

8           30. Defendants Federal Agent No. 1 and Federal Agent No. 2 and City Police  
9 Officers No. 1 and No. 2 wrongfully seized and searched plaintiff and his property in  
10 violation of his constitutional rights protected by the Fourth Amendment and Washington  
11 Constitution Article 1, Section 7.  
12

13                                   VII. THIRD CAUSE OF ACTION

14           31. The allegations set forth in the preceding paragraphs 1-28 are alleged and  
15 incorporated herein by reference.

16           32. Defendants Roger Nyhus, Teledesic Corporation, the Gates Foundation, and  
17 Seattle University, acting under color of state law, violated plaintiff Galvan's rights  
18 protected by the First and Fourth Amendment and by Washington Constitution, Article 1,  
19 Sections 5 and 7.  
20  
21

22                                   VI. PRAYER FOR RELIEF

23           Plaintiff Robert Free Galvan requests the following relief:

24           1. A declaration that defendants' actions and failures to act have violated  
25 plaintiff's right to free speech as secured by the First Amendment and by 42 U.S.C. 1983,  
26 and by Washington Constitution Article 1, Section 5.  
27  
28

2. A declaration that defendants' actions and failures to act as alleged herein have violated plaintiff's rights to be free from unreasonable seizure and search as secured by the Fourth and Fourteenth Amendments and by 42 U.S.C. § 1983, and by Washington Constitution Article 1, Section 7.

3. An award of plaintiff's damages.

4. An award of punitive damages.

5. An award of plaintiff's attorneys fees and costs pursuant to 42 U.S.C. § 1988.

6. Such further relief as the Court deems just and equitable.

7. Plaintiff demands a jury trial.

Dated this 9th day of December, 2002.

Respectfully submitted,

LAW OFFICES OF MICHAEL W. GENDLER, PLLC

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